

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :
: File No. 2:05 CR 25
v. :
: Cassius Lamar Shine :
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed June 27, 2007. Defendant's objections were filed July 13, 2007.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

The motion to dismiss (Paper 111) is **DENIED**. In addition, the motion for production of the crack cocaine for independent testing or, in the alternative, to exclude the trial testimony of government chemists (Paper 112) is **DENIED**.

Dated at Burlington, in the District of Vermont, this 19th
day of September, 2007.

/s/ William K. Sessions III

William K. Sessions III

Chief Judge